

# **EXHIBIT 36**

1 UNITED STATES DISTRICT COURT  
2  
3 FOR THE NORTHERN DISTRICT OF NEW YORK

4 -ooOoo-

5 NIKE, INC., :  
6 Plaintiff, :  
7 vs. : No. 1:22-cv-00983-VEC  
8 STOCKX LLC, :  
9 Defendant. :  
10 \_\_\_\_\_ :  
11

12 DEPOSITION OF BROCK HUBER  
13 TAKEN THROUGH  
14 ADVANCED REPORTING SOLUTIONS, a Veritext company  
15

16 Taken on Thursday, June 29, 2023  
17 9:30 a.m. to 12:38 p.m.  
18

19 At HYATT CENTRIC PARK CITY  
20 3551 North Escala Court  
21 Park City, Utah 84098  
22  
23  
24

25 Reported by: Abigail D.W. Johnson, RPR, CRR, CRC

A P P E A R A N C E S

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For StockX:

Kevin Adams  
Deputy General Counsel  
StockX

Also Present: McKayla Largin (videographer)  
-ooOoo-

1 course of business at StockX. A seller was paired with  
2 a buyer. The buyer in this case being Roy Kim. The  
3 items were shipped from the seller to one of our  
4 authentication centers, passed through our proprietary  
5 verification process and were ultimately shipped out to  
6 this buyer.

7 Q. Okay. And you stated in connection with  
8 your testimony regarding Abe Zurita -- is that his last  
9 name?

10 A. Mm-hmm.

11 Q. That the products that appear -- strike  
12 that -- the order numbers associated with the products  
13 that were shipped to Roy Kim were returned by Roy Kim;  
14 is that correct?

15 A. Yes. That is correct. That is our policy  
16 and has always been our policy. If an end buyer has an  
17 issue with an order, they reach out to our customer  
18 service. They suspect something they received is  
19 inauthentic. We will initiate a review, which  
20 typically starts with receiving some pictures of the  
21 items in question. And after that photographic review,  
22 if we continue to have doubts with the order, we will  
23 ask the buyer to send it back to us for an inspection,  
24 like the one that Abe did here.

25 Q. Okay. So it's your testimony that Abe

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

14 Q. Okay. Other than Roy Kim, was any other  
15 StockX consumer shipped product from this group of bad  
16 actors?

17 A. We don't believe there is any reason to  
18 suggest that more bad product went through our process  
19 and made it through.

20 It's also important to realize a lot of  
21 these bad actors will ship good product in an effort to  
22 have positive account attributes in order to trick the  
23 StockX verification process and our fraud team.

24 Q. Why don't you have any reason to suggest  
25 that more bad product went through and made it through?

A. We have a lot of good faith in our verification process, that our authentication team, you know, when following our operating procedures and inspecting these like Abe and John did, would reject these items.

And we don't -- we didn't have any other buyers who complained about the products that they received, and no reinspections were -- were necessary.

Q. Okay. So 33 of these clearly did not get caught and made it to a customer.

So are you saying that you don't have any reason to suspect that additional product made it through simply because you didn't receive any other complaints from consumers?

A. That is a data point, we did not receive any complaints from consumers. But the other items went through our verification process, which we stand by. And I think that it is important to note, while 33 is a totally dissatisfactory number, you know, Roy Kim, as an individual, made 2,300-plus orders with StockX that he has never had an issue before. And he continues to shop with us, even after this incident, because he knows, you know, the quality of our program.

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\_\_\_\_\_

516-608-2400



1 wouldn't punish the seller for that, because they  
2 behaved appropriately.

3           There is a potential for any technology  
4 company for there to be a bug, an order for some reason  
5 doesn't work. And so basically just -- in areas where  
6 a transaction is unsuccessful, but the seller behaved  
7 appropriately, we could potentially end up with  
8 inventory.

9           Q.     Okay. Does StockX ever get inventory from  
10 products that are returned by consumers?

11           A.     Yes. And it would, again, vary based on  
12 why it was returned. If we got an item that was  
13 suspected to be inauthentic, we would not take it into  
14 inventory.

15                   We would, of course, make the buyer whole,  
16 but those items would not go into a pool that could  
17 potentially be resold. And they ultimately get -- get  
18 destroyed.

19                   The other place we could have inventory is  
20 if we have an agreement with a brand, again, it's not  
21 going to be necessarily ours, but we have custody over  
22 it, and it could be parked at one of our facilities.  
23 And when it's sold, we could fulfill those items on  
24 behalf of the brand, and it could come out of an  
25 inventory account.

[REDACTED]

11 Q. Okay. What happened to the other sellers  
12 that sold Roy Kim a fake product --

13 A. So --

14 [REDACTED]

15 A. So everybody that Mark and team were able,  
16 in their analysis, to determine was part of this bad  
17 actor group, that seemed to be emanating from a small  
18 number of unique devices, was banned.

19 Q. Anybody else?

20 A. No. I think outside of the folks who are  
21 connected to the fraud ring, there wasn't anything that  
22 looked like egregious, intentional abuse of the  
23 platform.

24 Q. Are you aware, looking at the Copy of  
25 Referenced Social Media worksheet, which of the sellers